
HOUSE BILL 2823

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Bray, Chandler, Ludwig, Neher, Grant, Dorn, Hochstatter, D. Sommers, May, Valle, Rust, R. Meyers, Pruitt and Nealey

Read first time 01/28/92. Referred to Committee on Environmental Affairs/Revenue.

1 AN ACT Relating to payment of fees for hazardous substances
2 incineration facilities; amending RCW 70.105.215; and declaring an
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.105.215 and 1986 c 210 s 3 are each amended to read
6 as follows:

7 (1) The legislature recognizes the need for new, modified, or
8 expanded facilities to treat, incinerate, or otherwise process or
9 dispose of hazardous substances safely. In order to encourage the
10 development of such facilities, the department shall:

11 (a) Adopt rules as necessary regarding the permitting of such
12 facilities to ensure the most expeditious permit processing possible
13 consistent with the substantive requirements of applicable law;

1 (b) Charge and collect from each applicant a fee intended to pay
2 the department's costs in reviewing and processing each application for
3 new hazardous substances incineration facilities as required by this
4 section, and within any other deadlines established by law or
5 regulation. The fee imposed shall be one-half of one percent of the
6 total estimated capital cost of the proposed project, to be paid by the
7 applicant at the time of filing an initial application. When the
8 application review process is completed, the department shall conduct
9 a comparison of its costs against the fee paid and any surplus moneys
10 shall be refunded to the applicant; and

11 (c) Deposit all fees authorized and collected under this subsection
12 in the toxics control reserve account. Subject to legislative
13 appropriation, moneys from fees authorized under this section shall be
14 spent solely for the department's review and processing of all
15 applications for hazardous substances incineration facility permits.

16 (2) If owners and operators are not the same entity, the operator
17 shall be the permit applicant and responsible for the development of
18 the permit application and all accompanying materials, as long as the
19 owner also signs the application and certifies its ownership of the
20 real property described in the application, and acknowledges its
21 awareness of the contents of the application and receipt of a copy
22 thereof.

23 (3) For any hazardous substances incineration facility that (a) is
24 not operated by the federal government and (b) is located in a county
25 with seventy thousand to one hundred fifty thousand population on the
26 east side of the Cascade ridge, the director shall require that
27 operators of the facility pay a fee for all hazardous waste at the time
28 of receipt at the facility of thirty-five dollars per ton or its
29 equivalent. The fee shall be placed monthly in the fund created in RCW
30 43.31.422.

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.